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BUREAU OF HEALTH AND NUTRITION SERVICES AND
CHILD/FAMILY/SCHOOL PARTNERSHIPS
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TO: National School Lunch and Breakfast Program Sponsors

FROM: Maureen B. Staggenborg, Director - Child Nutrition Programs

DATE: March 10, 2005

SUBJECT: **Operational Memorandum #10 – 05**

◆ **Reauthorization Update**

Last November, the Connecticut State Department of Education's Child Nutrition Programs conducted a special workshop on the Child Nutrition and WIC Reauthorization Act of 2004. The purpose of this workshop was to inform sponsors of the National School Lunch and Breakfast Programs about regulatory changes that will impact their programs. Focal points regarding the Reauthorization Act of 2004 included: Program Integrity, Program Access, Over-Certification, Childhood Health, Nutrition Education, and Food Safety. Below highlights some of the important areas regarding Reauthorization and their current status of implementation. For further information regarding Reauthorization, you can go to USDA's website:

<http://www.fns.usda.gov/cnd/Lunch/Default.htm>

Section 102 New Law (Effective July 1, 2005) – *Lunches served in the NSLP:*

1. *Must* offer fluid milk in a variety of fat contents
2. *May* offer flavored and unflavored fluid milk and lactose-free fluid milk; and
3. *Must* provide a fluid milk substitute for students whose "disability" restricts their diet on the receipt of a written statement from a licensed physician that identifies the "disability" and specifies the substitute.
4. *May* substitute a non-dairy beverage (*subject to conditions*) that is:
 - Nutritionally equivalent to fluid milk and meets nutritional standards *established by USDA*.
 - For students who cannot consume fluid milk because of a "medical or other special dietary need" (other than a "disability").

The conditions for the milk substitution include: a) The substitution is made by the request of a medical authority or a parent/guardian, and b) The School Food Authority (SFA) must notify the State CNP office if they choose to implement. *Please note that USDA has **not** issued a list of approved "non-dairy beverages nutritionally equivalent to fluid milk..." and therefore, **implementation of # 4 is on hold until USDA provides a list of acceptable substitutes.***

5. This section also prohibits schools and institutions from restricting the sale or marketing of fluid milk products on the school premises or at school sponsored events. Therefore, school district beverage contracts can not stipulate that fluid milk not be served on the school premises or at school sponsored events.

Section 103 New Law (Effective July 1, 2004) – *Dietary Guidelines for Americans**Schools must:*

1. Follow guidance issued by USDA pertaining to consuming foods recommended by the Dietary Guidelines for Americans (DGAs). Please note that new DGAs were issued by USDA in January. However, we are waiting to receive guidance regarding implementation of these new guidelines in the Child Nutrition Programs. Therefore, **implementation is on hold until further notice.**

Section 104 New Law (Effective July 1, 2005 – unless otherwise noted.) – *Notification of Possible Eligibility*

Descriptive materials distributed to parents and guardians must contain a notification that:

1. Participants in the food stamp program, the food distribution program on Indian Reservations (FDPIR), and State TFA programs are eligible for free meals, *and* participants in the WIC program may be eligible for free or reduced price meals.
2. Documentation may be requested for verification of eligibility for free or reduced-price meals for all Food Stamp, TFA, FDPIR, and WIC programs.
3. SFAs will be required to directly certify as eligible for free meals, *without further application*, any child who is a member of a food stamp household. This will be phased in starting in school year 2006-2007. Please note that currently, CT implements direct certification state-wide (this refers to the Department of Social Services letters that are received by parents and submitted to the schools instead of a free and reduced price meal application). At this time, this process meets the requirement; however, more guidance will be forthcoming and will be shared with sponsors.

Section 105 New Law (Effective July 1, 2005) *Eligibility Determinations and Verification**Eligibility Determinations*

1. Eligibility determinations for free or reduced-price school meals (other than “direct certification”) require the use of household (*family*) applications for children in the same school district. Note: “Household” and “Family” refer to the same type of application. Thus, **effective July 1, 2005, single applications can no longer be used.** To implement this effectively, school districts are strongly encouraged to centralize the processing of applications. Updated application samples will be forthcoming.

Verification

Guidance and clarification from USDA will be forthcoming. Please note the following two date changes that will occur regarding Verification effective July 1, 2005:

1. **The Verification Sample must be taken on October 1-** not October 31st of each year.
2. The *deadline date* for completing Verification has changed from December 15th to **November 15th** of each year.

Section 106 New Law (Effective June 1, 2004) *Eligibility Time Frame*

1. Eligibility for free or reduced-price school meals remains valid for the entire school year for most students; except for cases where *verification* activities indicate ineligibility. Additionally, applications that are *temporarily approved* would **not** remain valid for the school year.

Section 107 New Law (Effective June 1, 2004) *Eligibility of Homeless, Runaways and Migrant Children*

1. Establishes automatic eligibility of homeless children for free school meals and also makes youth served by grant programs under the Runaway and Homeless Youth Act and migrant children **automatically eligible for free school meals**
Please note: The school district's homeless liaison or appropriate designee will still need to confirm (in writing) that the child is homeless, a runaway, or a migrant. A record of this determination must be maintained on file for audit purposes.

Section 108 New Law (Effective immediately) *Local Educational Agencies*

1. "Local Educational Agencies" (LEAs) are effectively responsible for certification and verification activities and will replace the current terminology of SFAs – School Food Authorities.

Section 109 New Law (Effective immediately) *Military Housing Allowances*

1. Makes permanent the rule regarding military families that live in "privatized" housing. Their housing allowances are *not* counted as income when determining eligibility for free or reduced-price school meals. Please note that this rule was to expire June 30, 2004.

Section 110 New Law (Effective through September 30, 2009) *Waiver for Weighted Averages*

1. Allows those school districts that are conducting nutrient analyses of their menus to choose between either weighted or simple averaging.

Section 111 New Law (Effective July 1, 2005) *Food Safety*

This law requires the following:

1. Every school must have annual inspections conducted two times a year.
2. The most recent inspection must be publicly posted.
3. Inspections will be audited by the State. (Please note that how the State will monitor this process has not yet been determined.)
4. School districts will be required to implement a "hazard analysis and critical control point" (HACCP) system. (More information will be forthcoming once guidance is received from USDA.)

Section 201 New Law – (Effective June 1, 2004) - *Severe Need Breakfast*

1. Eliminates the cost documentation process for severe need School Breakfast Programs. Schools will receive the severe need subsidy rate, as long as they meet the “40%+” eligibility requirement.
2. Allows new schools to meet the “40%+” requirement without a 2nd preceding year history. **Note:** USDA has not established standards to determine how to approve new schools without a second preceding year history. Guidance will be forthcoming.

Section 204 New Law (Effective no later than the beginning of school year 2006-2007) *Wellness Policies*

Local educational agencies participating in school meal programs must establish a local “school wellness policy” that, at a minimum:

1. Includes goals for *nutrition education, physical activity*, and other *school-based activities* designed to promote student wellness in a manner that the local educational agency determines appropriate;
2. Includes *nutrition guidelines for all foods available* on the school campus during the school day;
3. Provides an assurance that guidelines for school meals are not less restrictive than those set by the USDA Secretary;
4. Establishes a plan for measuring implementation of the local wellness policy; and
5. Involves *parents, students, representatives* of the school food authority, the *school board, school administrators*, and the *public* in the development of the local wellness policy.

Please note: The Connecticut State Department of Education will be providing school districts with training, technical assistance, and resources on policy development. Connecticut Team Nutrition's School Nutrition Policies Pilots have been working to develop, adopt and implement school policies that promote healthy eating and physical activity, and foster a healthy school nutrition environment. This project will provide additional resources to assist school districts with successful strategies for the policy development process. More information on school wellness policies will be sent to all school administrators and school food service directors in the near future.

If you have any questions, please contact Maureen Staggenborg, (860-807-2070), Teri Dandeneau (860-807-2079), or Bob Zwack (860-807-2081).